

14

Attorney Docket No. R0547/7007 (ERG/KA)

DECLARATION FOR PATENT APPLICATION

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled

UPREGULATION OF TYPE III ENDOTHELIAL CELL NITRIC OXIDE SYNTHASE BY HMG-CoA REDUCTASE INHIBITORS

the specification of which is attached hereto unless the following is checked:

☒ [X] was filed on March 19, 1999, as United States Application No. 09/273,445

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above.

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| | | | Priority Claimed | |
|----------|-------------------------------|------------------|------------------------------|-----------------------------|
| (Number) | (Country-if PCT, so indicate) | (DD/MM/YY Filed) | <input type="checkbox"/> YES | <input type="checkbox"/> NO |
| | | | <input type="checkbox"/> YES | <input type="checkbox"/> NO |
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| | |
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| (Application Number) | (filing date) |
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| (Application No.) | (filing date) | (status-patented, pending, abandoned) |
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PCT International Applications designating the United States:

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| Inventor's signature | James K. Liao | Date |
| Full name of first inventor | US | |
| Citizenship | 12 Audubon Rd., Weston, MA 02193 | |
| Residence | SAME AS ABOVE | |
| Post Office Address | | |
| Inventor's signature | Ulrich Laufs | Date |
| Full name of second inventor | Germany | |
| Citizenship | Köln, Germany | |
| Residence | SAME AS ABOVE | |
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| Inventor's signature | Matthias Endres | Date |
| Full name of third inventor | Germany | |
| Citizenship | Berlin, Germany | |
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| Post Office Address | | |

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| Citizenship | US | |
| Residence | 257 Prospect St., Belmont, MA 02178 | |
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| Post Office Address | | |
| <i>Dr. Ulrich Lauf</i> | | 5-31-1999 |
| Inventor's signature | Ulrich Lauf | Date |
| Full name of second inventor | Germany | |
| Citizenship | Köln, Germany | |
| Residence | SAME AS ABOVE | |
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| Citizenship | Germany | |
| Residence | Köln, Germany | |
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| Inventor's signature | | Date |
| Full name of third inventor | Matthias Endres | |
| Citizenship | Germany | |
| Residence | Berlin, Germany | |
| Post Office Address | SAME AS ABOVE | |

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| Inventor's signature | | Date |
| Full name of fourth inventor | Michael A. Moskowitz | |
| Citizenship | US | |
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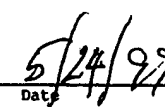
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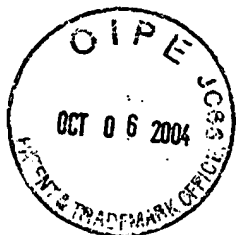
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Inventor's signature _____ Date _____
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Residence 257 Prospect St., Belmont, MA 02178
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Applicants: LIAO, James K.; LAUFS, Ulrich; ENDRES, Matthias; and MOSKOWITZ, Michael A.
Filing Date: March 19, 1999
Serial No.: 09/273,445
For: UPREGULATION OF TYPE III ENDOTHELIAL CELL NITRIC OXIDE SYNTHASE
By HMG-COA REDUCTASE INHIBITORS

**DECLARATION CLAIMING SMALL ENTITY STATUS
(37 CFR 1.9(e) and 1.27(d) - NONPROFIT ORGANIZATION)**

I hereby declare that I am an official empowered to act on behalf of the nonprofit organization identified below:

NAME OF ORGANIZATION: The General Hospital Corporation
ADDRESS OF ORGANIZATION: Boston, Massachusetts 02114

TYPE OF ORGANIZATION:

- ☐ UNIVERSITY OR OTHER INSTITUTION OF HIGHER EDUCATION
- ☒ TAX EXEMPT UNDER INTERNAL REVENUE SERVICE CODE (26 USC 501(a) and 501(c) (3))
- ☐ NONPROFIT SCIENTIFIC OR EDUCATION UNDER STATUTE OR STATE OF THE UNITED STATES OF AMERICA
(NAME OF STATE)
(CITATION OF STATUTE)
- ☐ WOULD QUALIFY AS TAX EXEMPT UNDER INTERNAL REVENUE SERVICE CODE (26 USC 501(a) and 501(c) (3) IF LOCATED IN THE UNITED STATES OF AMERICA
- ☐ WOULD QUALIFY AS NONPROFIT SCIENTIFIC OR EDUCATION UNDER STATUTE OF STATE OF THE UNITED STATES OF AMERICA IF LOCATED IN THE UNITED STATES OF AMERICA
(NAME OF STATE)
(CITATION OF STATUTE)

I hereby declare that the nonprofit organization identified above qualifies as a nonprofit organization as defined in 37 CFR 1.9(e) for purposes of paying reduced fees under section 41 (a) and (b) of Title 35, United States Code with regard to the invention entitled Up regulation of Type III Endothelial Cell Nitric Oxide Synthase By HMG-CoA Reductase Inhibitors by inventor(s), Liao et al., described in

☒ application serial no. 09/273,445 filed March 19, 1999.

I hereby declare that rights under contract or law have been conveyed to and remain with the nonprofit organization with regard to the above-identified invention.

If the rights held by the nonprofit organization are not exclusive, each individual concern or organization having rights to the invention is listed below* and no rights to the invention are held by any person, other than the inventor, who would not qualify as an independent inventor under 37 CFR 1.9(c) if that person made the invention, or by any concern which would not qualify as a small business concern under 37 CFR 1.27(d) or a nonprofit organization under 37 CFR 1.9(e).

☒ persons, concerns or organizations listed below*

*NOTE: Separate verified statements are required from each named person, concern or organization having rights to the invention averring to their status as small entities. (37 CFR 1.27)

FULL NAME The Brigham and Women's Hospital, Inc.
ADDRESS 75 Francis Street
Boston, MA 02115
☐ INDIVIDUAL ☐ SMALL BUSINESS CONCERN ☒ NONPROFIT ORGANIZATION

FULL NAME RePharma, Inc.
ADDRESS 58 Charles St.
Cambridge, MA 02141
☐ INDIVIDUAL ☒ SMALL BUSINESS CONCERN ☐ NONPROFIT ORGANIZATION

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. (37 CFR 1.28(b))

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

NAME OF PERSON SIGNING: David J. Glass, Ph.D.
TITLE IN ORGANIZATION: Associate Director for Patents
ADDRESS OF PERSON SIGNING: Office of Technology Affairs
Massachusetts General Hospital East
13th Street, Building 149, Suite 1101
Charlestown, MA 02129

SIGNATURE DATE June 8, 1999



Atty. Docket No. R0547/7007(ERG/KA)

Applicants: LIAO, James K.; LAUPS, Ulrich; ENDRES, Matthias; and MOSKOWITZ, Michael A.
Filing Date: March 19, 1999
Serial No.: 09/273,445
For: UPREGULATION OF TYPE III ENDOTHELIAL CELL NITRIC OXIDE SYNTHASE
BY HMG-CoA REDUCTASE INHIBITORS

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(37 CFR 1.9(e) and 1.27(d) - NONPROFIT ORGANIZATION)**

I hereby declare that I am an official empowered to act on behalf of the nonprofit organization identified below:

NAME OF ORGANIZATION: The Brigham and Women's Hospital, Inc.
ADDRESS OF ORGANIZATION 75 Francis Street
Boston, MA 02115

TYPE OF ORGANIZATION:

- ☐ UNIVERSITY OR OTHER INSTITUTION OF HIGHER EDUCATION
- ☒ TAX EXEMPT UNDER INTERNAL REVENUE SERVICE CODE (26 USC 501(a) and 501(c) (3))
- ☐ NONPROFIT SCIENTIFIC OR EDUCATION UNDER STATUTE OR STATE OF THE UNITED STATES OF AMERICA
(NAME OF STATE)
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- ☐ WOULD QUALIFY AS NONPROFIT SCIENTIFIC OR EDUCATION UNDER STATUTE OF STATE OF THE UNITED STATES OF AMERICA IF LOCATED IN THE UNITED STATES OF AMERICA
(NAME OF STATE)
(CITATION OF STATUTE)

I hereby declare that the nonprofit organization identified above qualifies as a nonprofit organization as defined in 37 CFR 1.9(e) for purposes of paying reduced fees under section 41 (a) and (b) of Title 35, United States Code with regard to the invention entitled "UPREGULATION OF TYPE III ENDOTHELIAL CELL NITRIC OXIDE SYNTHASE BY HMG-CoA REDUCTASE INHIBITORS by inventor(s), Liao, et al., described in

[x] application serial no. 09/273,445 filed March 19, 1999.

I hereby declare that rights under contract or law have been conveyed to and remain with the nonprofit organization with regard to the above-identified invention.

- If the rights held by the nonprofit organization are not exclusive, each individual concern or organization having rights to the invention is listed below* and no rights to the invention are held by any person, other than the inventor, who would not qualify as an independent inventor under 37 CFR 1.9(c) if that person made the invention, or by any concern which would not qualify as a small business concern under 37 CFR 1.9(d) or a nonprofit organization under 37 CFR 1.9(e).

[x] persons, concerns or organizations listed below*

*NOTE: Separate verified statements are required from each named person, concern or organization having rights to the invention averring to their status as small entities. (37 CFR 1.27)

FULL NAME The General Hospital Corporation
ADDRESS Boston, Massachusetts 02114
☐ INDIVIDUAL ☐ SMALL BUSINESS CONCERN ☒ NONPROFIT ORGANIZATION

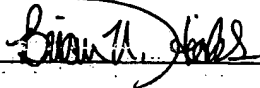
FULL NAME RePharma, Inc.
ADDRESS 58 Charles St.
Cambridge, MA 02141
☐ INDIVIDUAL ☒ SMALL BUSINESS CONCERN ☐ NONPROFIT ORGANIZATION

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. (37 CFR 1.28(b))

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

NAME OF PERSON SIGNING: Mr. Brian N. Hicks
TITLE IN ORGANIZATION: Director, Ventures Department
NAME OF ORGANIZATION: The Brigham and Women's Hospital, Inc.
ADDRESS OF PERSON SIGNING: 75 Francis St., Boston, MA 02115

SIGNATURE



DATE

6/9/99



Atty. Docket No. R0547/7007(ERG/KA)

Applicants: LIAO, James K.; LAUPS, Ulrich; ENDRES, Matthias; and MOSKOWITZ, Michael A.
Filing Date: March 19, 1999
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BY HMG-COA REDUCTASE INHIBITORS

**DECLARATION CLAIMING SMALL ENTITY STATUS
(SMALL BUSINESS CONCERN)**

I hereby declare that I am

- ☐ the owner of the small business concern identified below:
☒ an official of the small business concern empowered to act on
behalf of the concern identified below:

NAME OF CONCERN: RePharma, Inc.
ADDRESS OF CONCERN: 58 Charles Street
Cambridge, MA 02141

I hereby declare that the above identified small business concern qualifies as a small business concern as defined in 13 CFR 121.3-18, and reproduced in 37 CFR 1.9(d), for purposes of paying reduced fees under section 41(a) and (b) of Title 35, United States Code, in that the number of employees of the concern, including those of its affiliates, does not exceed 500 persons. For purposes of this statement, (1) the number of employees of the business concern is the average over the previous fiscal year of the concern of the persons employed on a full-time, part-time or temporary basis during each of the pay periods of the fiscal year, and (2) concerns are affiliates of each other when either, directly or indirectly, one concern controls or has the power to control the other, or a third party or parties controls or has the power to control both.

I hereby declare that rights under contract or law have been conveyed to and remain with the small business concern identified above with regard to the invention, entitled UPREGULATION OF TYPE III ENDOTHELIAL CELL NITRIC OXIDE SYNTHASE BY HMG-COA REDUCTASE INHIBITORS by inventor, LIAO, James K., described in

☒ application serial no. 09/273,445 filed March 19, 1999.

If the rights held by the small business concern are not exclusive, each individual concern or organization having rights to the invention is listed below* and no rights to the invention are held by any person, other than the inventor, who would not qualify as an independent inventor under 37 CFR 1.9(c) if that person made the invention, or by any concern which would not qualify as a small business concern under 37 CFR 1.9(d) or a nonprofit organization under 37 CFR 1.9(e).

☒ persons, concerns or organizations listed below*

*NOTE: Separate verified statements are required from each named person, concern or organization having rights to the invention averring to their status as small entities. (37 CFR 1.27)

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I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

NAME OF PERSON SIGNING: Eyal S. Ron, Ph.D.
TITLE IN ORGANIZATION: Chief Scientific Officer
NAME OF ORGANIZATION: RePharma, Inc.
ADDRESS OF PERSON SIGNING: 58 Charles Street
Cambridge, MA 02141

SIGNATURE

Eyal Ron

DATE

6/10/99

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